

#DA
#11



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE APPLICATION AN
UNINTENTIONALLY ABANDONED APPLICATION

APPLICANT: George G. Gelfer CONFIRMATION NO. 5685
SERIAL NO.: 09/481,477 GROUP ART UNIT: 2853
FILED: January 11, 2000 EXAMINER: Naresh Vig
TITLE: "METHOD AND ARRANGEMENT FOR AUTOMATICALLY
ORDERING SUPPLIES WHICH ARE CONSUMED DURING
USAGE OF A DEVICE"

RECEIVED
NOV 17 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

A Notice of Abandonment dated September 23, 2003 was received in connection with the above-referenced application, stating that the application was abandoned in view of Applicant's failure to file a proper reply to the Office Action mailed February 21, 2003.

In the file maintained by the undersigned counsel's law firm, there is only a transmittal dated February 21, 2003, of a communication hand-dated January 28, 2003, which is stated to be responsive to a communication filed January 11, 2000, which is the filing date for the present application. This official communication also states that an Office Action is attached thereto, which was originally mailed on June 11, 2002, together with references. In the file maintained by the undersigned counsel's law firm, however, neither of these attachments is attached to the official communication dated January 28, 2003 and February 21, 2003.

Based on the undersigned counsel's recollection of a telephone discussion with the Examiner preceding the mailing of the February 21, 2003 communication, it is the undersigned counsel's belief that the original Office Action dated June 11,

11/17/2003 AWONDAF2 00000059 09481477

01 FC:1453

1330.00 OP

2002 was originally incorrectly mailed to counsel's old address, which was present on the original application papers. On October 31, 2000, a paper entitled Change of Address of Applicant's Representative was filed, informing the Patent and Trademark Office of counsel's new address, and requesting that all future correspondence be sent to the new address. The Examiner apparently acknowledged that the original Office Action had been mailed to an incorrect address, which was the reason for the communication dated February 21, 2003.

When the February 21, 2003 Office Action was received by the docketing department in the undersigned counsel's law firm, a member of the department noted that there were no references attached nor was an Office Action attached, and apparently initiated steps to contact the Examiner to request that those documents be supplied. For reasons unknown to that person and unknown to the undersigned counsel, these steps were not completed, nor was the undersigned counsel informed of the receipt of the February 21, 2003 communication and, since there was no Office Action attached thereto, it was not entered into the docketing system of the undersigned counsel's firm.

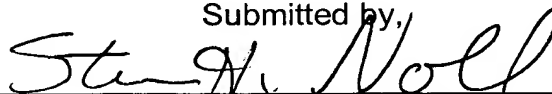
Were it not for this last circumstance, the present Petition would have been presented under 37 C.F.R. § 1.137(a) on the basis that the aforementioned Office Action was never received by the undersigned counsel's law firm. In view of the unintentional failure on the part of the docketing department of the undersigned counsel's law firm to follow-through in contacting the Examiner when the Office Action was not received with the February 21, 2003 communication, however, the Petition is being submitted under 37 C.F.R. § 1.137(b). The undersigned counsel states that the failure to respond to the February 21, 2003 communication was unintentional. Since the undersigned counsel's law firm to date has not received the

Office Action dated June 11, 2003 nor the references, this Petition cannot be accompanied by a response thereto. Revival of the present application and re-mailing of that Office Action are therefore respectfully requested.

This Petition is accompanied by a check for the fee required by 37 C.F.R. §1.17(m) in the amount of \$1,330.00.

Granting of the present Petition is respectfully requested.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN & WAITE

CUSTOMER NO. 26574

Patent Department

6600 Sears Tower

233 South Wacker Drive

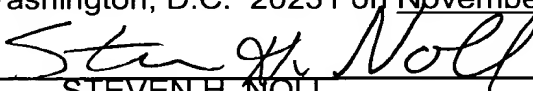
Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on November 11, 2003.



STEVEN H. NOLL

CHI\4070271.1